

# OCCUPATIONAL HEALTH AND SAFETY ACT

Act 85 of 1993.

## REGULATIONS CONCERNING THE CERTIFICATE OF COMPETENCY

[Updated to 20 May 1994]

GoN R533, G. 12337 (c.i.o 16 March 1990),  
GoN R1277, G. 13970 (c.i.o 8 May 1992),  
GoN R962, G. 15747 (c.i.o 20 May 1994).

[**Editor Note:** These Regulations were published in terms of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983) and are now in force in terms of the Occupational Health and Safety Act 85 of 1993]

The Minister of Manpower has, under section 35 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), made the regulations contained in the Schedule.

### SCHEDULE ARRANGEMENT OF REGULATIONS

1. Definitions
  2. Issuing of certificates
  3. Suspension or cancellation of certificates
  4. Substitution of lost, damaged or destroyed certificates
  5. Commission of Examiners
  6. Qualifying examination
  7. Acceptance as candidate
  8. Withdrawal of regulations
  9. Short title
- Annexure 1: Mechanical Engineer's Certificate of Competency  
Annexure 2: Electrical Engineer's Certificate of Competency

#### 1. Definitions

In these Regulations, "**the Act**" means the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), and unless the context otherwise indicates any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and—

"**certificate of competency**" or "**certificate**" means a certificate of competency as a mechanical or an electrical engineer, as the case may be, issued in terms of regulation 2(1);

"**Commission of Examiners**" or "**Commission**" means the commission established in terms of regulation 5(1);

**“Department of Education and Culture”** means the Department of Education and Culture, Administration: House of Assembly.

## **2. Issuing of certificates**

- (1) Certificates of competency shall be issued by the chief inspector in accordance with the recommendations of the Commission of Examiners.
- (2) A person to whom a certificate of competency has been issued in terms of subregulation (1) shall be deemed to be a certificated engineer as contemplated in regulation 1 of the General Machinery Regulations promulgated by Government Notice R.1521 of 5 August 1988.
- (3) Any person wishing to obtain a certificate of competency shall apply therefor to the Commission of Examiners.
- (4) The Commission of Examiners shall not recommend the issuing of a certificate of competency unless the candidate has passed the qualifying examination or the Commission is satisfied that the candidate possesses sufficient knowledge of the design, assembly, erection, running and maintenance of machinery, apparatus and installations, and of the Act and regulations promulgated thereunder.
- (5) A certificate of competency as mechanical engineer shall be in the form of Annexure 1 and a certificate of competency as electrical engineer shall be in the form of Annexure 2.
- (6) Any certificate issued in terms of subregulation (1) on which anyone other than the chief inspector has made any amendment or erasure shall be rendered null and void.

## **3. Suspension or cancellation of certificates**

- (1) If the chief inspector at any time, by virtue of information submitted to him by anyone, and after investigation, is of the opinion that the holder of a certificate of competency was guilty of gross negligence or misconduct in the execution of his duties as holder of such certificate, he may forthwith suspend or cancel such certificate or he may as he may deem fit refer the matter to the Commission of Examiners for investigation and on the recommendation of the Commission he may suspend or cancel such certificate.
- (2) The chief inspector shall forthwith advise the holder of a certificate of competency of his decision in terms of subregulation (1).
- (3) A suspended or cancelled certificate shall be returned by the holder thereof to the chief inspector within one month of the date upon which the chief inspector advised him of the suspension or cancellation thereof.

#### **4. Substitution of lost, damaged or destroyed certificates**

- (1) If a certificate issued in terms of regulation 2(1) has been lost, damaged or destroyed, the person to whom the certificate had been issued may apply to the chief inspector for a duplicate certificate.
- (2) Every application in terms of subregulation (1) shall be accompanied by an amount of R130 in the form of uncanceled revenue stamps affixed to the application.  
[Reg 4(2) am by reg 2(a) of GoN R1277 in G. 13970, reg 2(a) of GoN R962 in G. 15747.]
- (3) After proof that a certificate has been lost, damaged or destroyed has been submitted to the satisfaction of the chief inspector he shall issue a duplicate certificate.
- (4) The chief inspector shall ensure that on every duplicate certificate issued in terms of subregulation (3), the words "duplicate / duplikaat" appear.

#### **5. Commission of Examiners**

- (1) The chief inspector shall after consultation with the Government Mining Engineer as defined in the Mines and Works Act, 1956 (Act 27 of 1956), and subject to the provisions of subregulation (4), appoint a Commission of Examiners.
- (2)
  - (a) A member of the Commission of Examiners shall be appointed for the period laid down by the chief inspector on his appointment and a member whose term of office has expired may be reappointed.
  - (b) The chief inspector may discharge any member of the Commission of Examiners.
- (3) The functions of the Commission of Examiners are—
  - (a) to evaluate a candidate's suitability for a certificate of competency as contemplated in regulation 2(4);
  - (b) to make recommendations to the chief inspector regarding the curricula referred to in subregulation (9) for the qualifying examinations;
  - (c) to report to the chief inspector on its activities; and
  - (d) to perform the other functions which are prescribed.
- (4) The Commission of Examiners shall be constituted as follows—

- (a) two inspectors designated in terms of section 20 of the Act;
  - (b) two officers appointed in terms of section 3 of the Mining Rights Act, 1967 (Act 20 of 1967);
  - (c) at least two persons holding certificates of competency as mechanical engineers issued in terms of these Regulations or the regulations issued under the Mines and Works Act, 1956; and
  - (d) at least two persons holding certificates of competency as electrical engineers issued in terms of these Regulations or the regulations issued under the Mines and Works Act, 1956.
- (5) A meeting of the Commission of Examiners shall be held at a time and place fixed by the chief inspector, after consultation with the Government Mining Engineer.
- (6) A meeting of the Commission of Examiners shall take place under the chairmanship of one of the members of the Commission appointed for that purpose by the chief Inspector after consultation with the Government Mining Engineer.
- (7)
- (a) A *quorum* of the Commission of Examiners consists of the chairman and two members.
  - (b) In the event of a difference of opinion arising in respect of any matter regarding the acceptance or examination of a candidate, or regarding the suspension or cancellation of a certificate it shall be decided by a majority of votes of the members of the Commission present at such meeting: Provided that if there is a tie of votes, the chairman has a casting as well as an ordinary vote.
- (8) An officer of the Department, designated by the chief inspector shall serve as secretary to the Commission of Examiners and keep minutes of the proceedings of the Commission.
- (9) Directives for the guidance of the Commission of Examiners, rules regarding the acceptance of candidates for the qualifying examinations and the curricula for such examinations shall. be drawn up and, if necessary, amended by the chief inspector in consultation with the Government Mining Engineer.
- (10)
- (a) A candidate may appeal to the chief inspector against any decision of the Commission of Examiners.
  - (b) Any person who wishes to appeal to the chief inspector in terms of paragraph (a), shall lodge such appeal in writing with the chief inspector within 60 calendar days after the decision of the Commission of Examiners against which the appeal is being lodged.

- (c) In an appeal in terms of paragraph (a) the grounds of appeal shall be set out clearly and in full, together with any representations which the appellant wishes to lodge as to why the chief inspector should set aside or amend the decision of the Commission of Examiners.
- (d) The chief inspector shall confirm, set aside or amend the decision, or substitute for it such other decision as the Commission of Examiners, in the opinion of the chief inspector should have made.
- (e) The decision of the chief inspector in such an appeal is final.

## **6. Qualifying examination**

- (1) The qualifying examination shall be conducted by the Department of Education and Culture at the times and places determined by that Department.
- (2) The rules for the conducting of qualifying examinations shall be determined by the Department of Education and Culture.
- (3) The qualifying examination shall be conducted in respect of the following two subjects—
  - (a) Plant engineering; and
  - (b) the Act and regulations issued thereunder or deemed to have been issued thereunder:

Provided that the Commission of Examiners may, as it may deem fit, grant exemption to candidates from examination in any of these subjects.

- (4) No person may lodge with the Department of Education and Culture an application to be examined in the qualifying subjects unless he has been accepted as a candidate by the Commission of Examiners.
- (5) Any person who wishes to enter for the qualifying examination shall do so through the Department of Education and Culture to which the examination fees, as fixed by that Department from time to time, shall be paid.

## **7. Acceptance as candidate**

- (1) A person who applies in terms of regulation 2(3) to be accepted as a candidate for the qualifying examination shall not be accepted as a candidate unless he has provided satisfactory proof to the Commission of Examiners—
  - (a) that he is at least 23 years of age; and

(b) that he has the required practical experience, as provided for in the rules drafted under regulation 5(9).

(2) Every application for acceptance as a candidate in terms of regulation 2 (3) shall be accompanied by an amount of R130 in the form of uncanceled revenue stamps affixed to the application form.

[Reg 7(2) am by reg 2(b) of GoN R1277 in G. 13970, reg 2(b) of GoN R962 in G. 15747.]

**8. Withdrawal of regulations**

The following regulations and Annexures are hereby withdrawn—

Regulations E1, E2, E3, E4, E5, E6, E7, E8 and E9 and Annexures F26, F26 (a), F27 and F27 (a) of the regulations published by Government Notice R.929 of 28 June 1963.

**9. Short title**

These Regulations shall be called the Regulations concerning the Certificate of Competency, 1990.

**ANNEXURE 1**

REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF MANPOWER

**MECHANICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Issued in accordance with the provisions of the Machinery and Occupational Safety Act, 1983, and the Regulations framed thereunder)

This is to certify that

.....

having passed the prescribed examination and having been recommended by the Commission of Examiners, is qualified in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

.....

Chief Inspector

**ANNEXURE 2**

REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF MANPOWER

**ELECTRICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Issued in accordance with the provisions of the Machinery and Occupational Safety Act, 1983, and the Regulations framed thereunder)

This is to certify that

.....  
having passed the prescribed examination and having been recommended by the Commission of Examiners, is qualified in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

.....  
Chief Inspector

PRETORIA .....19.....